

Filed for intro on 01/30/95
House Bill _____
By _____

Senate Bill No.SB0132
By _____

AN ACT to restructure the Maury Regional Hospital and to repeal Chapter 448 of the Private Acts of 1949, and to repeal Chapter 373 of the Private Acts of 1953, as amended by Chapter 199 of the Private Acts of 1971, Chapter 43 of the Private Acts of 1973, Chapter 162 of the Private Acts of 1988, Chapter 64 of the Private Acts of 1989.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. A hospital, known as Maury Regional Hospital, is created and established for and on behalf of Maury County and is owned by Maury County.

SECTION 2. The hospital is composed of those tracts or parcels of land, together with all buildings or other improvements thereon and all appurtenances thereto, whether within or without Maury County, in order to fulfill the hospital's mission of providing health care services to the region; provided, however, that the county commission by resolution shall approve leases of real property to be used by the hospital and all purchases and sales of real property or interests therein except purchases of real property owned by the hospital on September 1, 1994, and the Lewisburg Community Hospital properties now owned by OnNda Company which may be purchased or leased by the hospital board of trustees. All sales or leases of real property or

interests therein, whether acquired by the hospital before or after September 1, 1994, shall be approved by resolution of the county commission.

SECTION 3. The hospital shall be controlled by a board of trustees, nine (9) in number, which shall include the chief executive officer of the hospital who, by virtue of the position, shall automatically be an ex-officio member of the board of trustees with full voting privileges. Each member shall be a citizen of Maury County, over the age of twenty-one (21) years. Each member shall serve without compensation. The office of board member is not a county office for the purposes of Article XI, Section 9 of the Tennessee Constitution. No member of the board of trustees shall be a member of the Maury County Commission. No member of the board of trustees and no member of the county commission shall profit financially by reason of operation of the hospital except that the hospital chief executive officer and/or a member of the hospital medical or dental staff, while serving as a member of the board of trustees, may be compensated in the same manner as if such person were not a member of the board of trustees. No property belonging to the hospital shall be loaned.

SECTION 4. The present members of the board of trustees and the expiration of the terms that they are now serving shall be:

Tillman Knox, January 1995;
Dorothy Sowell, January 1995;
R. M. McKay, January 1995;
Joe Lancaster, January 1996;
John Thornton, January 1996;
Dr. Robert Thompson, January 1997;
Harlan Bowsher, January 1997;
Waymon Hickman, January 1997; and
the chief executive officer of the hospital.

The term of a board member, except the chief executive officer of the hospital, is three (3) years. Upon the expiration of any term of a board member, or upon any vacancy which may occur by reason of death, resignation, refusal to serve, or otherwise, the county commission shall elect for a regular three (3) year term or for the remainder of the unexpired term of any member in case of a vacancy as appropriate. The appointment and acceptance of each board member shall be filed with the county clerk of Maury County, Tennessee. A member is eligible for reelection to the board. The board of trustees shall elect a chairman, vice chairman, and secretary from among its members. Nothing contained herein shall prevent the board from electing and designating the chief executive officer as secretary. The board shall meet at least once each quarter, and more often if necessary. The board shall keep complete, permanent, and public records and minutes, reflecting all its business and transactions. The signature of the chief executive officer and chairman of the board or some other person duly designated by the board shall be affixed to all checks or warrants drawn on funds belonging to the hospital. The signatures may be affixed manually or by use of check writing equipment.

SECTION 5. The board of trustees shall be vested with full, absolute and complete authority and responsibility for the operation, maintenance, management, conduct and control of the business and affairs of the hospital herein created. Such business and affairs may include without limitation, the provision of health care services in the home and the ownership, sponsorship or participation in any alternative health care delivery systems, notwithstanding that as a consequence of such exercise of powers, it engages in activities that may be deemed within the contemplation of the antitrust laws of the state or of the United States.

Such operation, maintenance, management, conduct and control shall not be inconsistent with existing contractual obligations of Maury County, Tennessee. Such authority shall include, but not be limited to, the establishment, promulgation, and enforcement of rules, regulations and policies necessary to direct and supervise the operation and maintenance of all property; the administration of all financial affairs, including the execution of all documents

necessary to administer such financial affairs; except the county commission shall approve the borrowing of funds which would adversely affect the ability of Maury County to incur indebtedness; the execution of all contracts, agreements, leases, deeds, and other instruments in order to accomplish the purposes of the hospital, the ownership or leasing of property whether inside or outside Maury County; provided, however, any lease of real property and deeds shall be executed only after approval by resolution of the Maury County Commission; and the employment, compensation, discharge and supervision of all personnel; and to adopt proper bylaws which shall meet the standards as set by the Joint Commission on the Accreditation of Health Organizations. Notwithstanding the other provisions of this act, none of the following actions shall be undertaken by the hospital without the approval by resolution of the county commission of Maury County:

(1) The execution of any instrument which purports to create a full faith and credit obligation of Maury County; or purports to involve tax-exempt financing.

(2) The contracting or agreeing to sell or encumbering the main hospital real estate tract and all buildings thereon, on Trotwood Avenue, Columbia, Tennessee.

(3) The removal of the general administrative offices of the hospital from the main hospital tract.

SECTION 6. The board of trustees shall have authority to employ and fix the compensation of a hospital administrator, and such other personnel and employees as may be necessary, whose duties and responsibilities shall be determined and prescribed by the board of trustees; the hospital administrator so employed shall have a degree in hospital administration from an accredited college or university.

SECTION 7.

(a) The county commission of Maury County shall elect a committee from its membership. The duties of the committee are to advise the board of trustees and thereafter to recommend to the county commission measures affecting and pertaining to

the welfare of the hospital. The duties shall include, but not be limited to, the approval and recommendations to the county commission for the purchase, replacement, and improvement of the capital equipment of the hospital if such capital equipment is to be paid for out of the funds of Maury County.

(b) The Maury County Commission may appropriate funds for the operation of Maury Regional Hospital.

SECTION 8. The board of trustees shall annually prepare and submit to the Maury County Commission a budget which will be the same budget prepared for and approved by the board of trustees. The budget shall be for a fiscal year running from July 1 through June 30. The board shall submit the budget to the county commission not later than July 1, for approval by the county commission at the regular July term for each year. SECTION 9. The board of trustees shall prepare and submit to the county commission of Maury County, on a monthly basis the financial statement and report previously submitted to and approved by the board of trustees. Provided, however, the county commission may provide for an audit of the books, records, and financial affairs of the hospital at any time it deems advisable or necessary.

SECTION 10. Chapter 448 of the Private Acts of 1949 and Chapter 373 of the Private Acts of 1953, as amended by Chapter 199 of the Private Acts of 1971, Chapter 43 of the Private Acts of 1973, Chapter 162 of the Private Acts of 1988, and Chapter 64 of the Private Acts of 1989 are repealed.

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer of the commission and certified to the secretary of state.

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 11.